IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 18728 of 1995

Between:

M/s.Rank Aqua Estates Limited,

C/o.K.J.Exports, Fishing Harbour, Visakhapatnam,

rep. by its Senior Manager, A.Madhava Rao.

..... PETITIONER

AND

1 Agricultural Market Committee, rep. by its Special Grade

Secretary, Visakhapatnam.
2 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vijayawada, Krishna Dist.
3 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tanguturu, Prakasam Dist.
4 Agricultural Market Committee, rep. by its Special Grade

Secretary, Martur, Santhamangalur, Prakasam Dist.
5 Agricultural Market Committee, rep. by its Special Grade

Secretary, Nellore, Nellore Dist.
6 Agricultural Market Committee, rep. by its Special Grade

Secretary, Naidupeta, Nellore Dist.
7 Agricultural Market Committee, rep. by its Special Grade

Secretary, Medarmetla, Addanki, Prakasam Dist.
8 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ravulapalem, Kothapeta, E.G.Dist.
9 Agricultural Market Committee, rep. by its Special Grade

Secretary, Eluru, W.G.Dist.
10 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kavali, Nellore Dist.
11 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ambajipeta, E.G.Dist.
12 Agricultural Market Committee, rep. by its Special Grade

Secretary, Guntur, Guntur Dist.
13 Agricultural Market Committee, rep. by its Special Grade

Secretary, Mangalagiri, Guntur Dist.
14 Agricultural Market Committee, rep. by its Special Grade

Secretary, Chilakamipeta, Guntur Dist.
15 Agricultural Market Committee, rep. by its Special Grade

Secretary, Singarayakonda, Kandukur, Prakasam Dist.
16 Agricultural Market Committee, rep. by its Special Grade

Secretary, Anakapalli, Vizag Dist
17 Agricultural Market Committee, rep. by its Special Grade

Secretary, Yellamanchili, Vizag Dist
18 Agricultural Market Committee, rep. by its Special Grade

Secretary, Narsipatnam, Vizag Dist
19 Agricultural Market Committee, Akiveedu,

rep. by its Supervisor, Market Yard, Undi, West Godavari Dist
20 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tuni, East Godavari Dist.
21 Agricultural Market Committee, rep. by its Special Grade

Secretary, Rajahmundry, E.G.Dist.
22 Agricultural Market Committee, rep. by its Special Grade

Secretary, Pithapuram, E.G.Dist.
23 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ramachandrapuram, E.G.Dist.
24 Agricultural Market Committee, rep. by its Special Grade

Secretary, Mandapeta, E.G.Dist.
25 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tadepalligudem, W.G.Dist.
26 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kovvuru, W.G.Dist.

27 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tanuku, W.G.Dist.
28 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kaikalur, Krishna dist.
29 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vuyyuru, Krishna dist.
30 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bapatla, Guntur Dist.
31 Agricultural Market Committee, rep. by its Special Grade

Secretary, Chirala, Prakasam Dist.
32 Agricultural Market Committee, rep. by its Special Grade

Secretary, Tada, Prakasam Dist.
33 Agricultural Market Committee, rep. by its Special Grade

Secretary, Ongole, Prakasam Dist.
34 Agricultural Market Committee, rep. by its Special Grade

Secretary, Vizianagaram, Vizianagaram Dist.
35 Agricultural Market Committee, rep. by its Special Grade

Secretary, Srikakulam, Srikakulam Dist.
36 Agricultural Market Committee, rep. by its Special Grade

Secretary, Palacole, W.G.Dist.
37 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bhimavaram, W.G.Dist.
38 Agricultural Market Committee, rep. by its Special Grade

Secretary, Bheemunipatnam (Bhimili), Vizag Dist.
39 Agricultural Market Committee, rep. by its Special Grade

Secretary, Repalle, Guntur Dist.
40 Agricultural Market Committee, rep. by its Special Grade

Secretary, Machilipatnam, Krishna Dist.
41 Agricultural Market Committee, rep. by its Special Grade

Secretary, Nagayalanka, Krishna Dist.
42 Agricultural Market Committee, rep. by its Special Grade

Secretary, Kothapeta, E.G.Dist.
43 Agricultural Market Committee, rep. by its Special Grade

Secretary, Amalapuram, E.G.Dist.
44 Govt., of A.P., rep. by its Secretary, Food and Agriculture Dept.,
Secretariat, Hyderabad.
45 Govt., of India, rep. by the Secretary, Industries Dept.,
Central Secretariat, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring that the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966, has no application to the prawn trade and accordingly declare that the petitioner is not liable to pay licence fee and market fee and interdict the respondents from taking any action against the petitioner under the said Act.

Counsel for the Petitioner: MR. M.V.K.VISWANADHAM

Counsel for Respondents 1 to 43: STANDING COUNSEL FOR AGRICULTURAL MARKETING COMMITTEES

Counsel for Respondent No.44: GOVERNMENT PLEADER FOR FOOD AND AGRICULTURE

Counsel for Respondent No.45: CENTRAL GOVERNMENT STANDING

COUNSEL

The Court made the following:

ORDER:

The writ petition is filed seeking to declare that Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 (for short "the Act") has no application to the prawn trade and to declare that the petitioner is not liable to pay licence fee and market fee and to interdict the respondents from taking any action against the petitioner under the said Act.

When the matter came up today, the learned counsel for the petitioner submitted that the subject matter involved in this writ petition fell for consideration before the Apex Court in **I.T.C. Ltd., Vs. Person Incharge, Agricultural Market Committee, Kakinada and others**, wherein it was held that Market Committee is empowered to levy fees on the prawns under Section 12 of the A.P. (Agricultural Produce & Livestock) Markets Act (16 of 1966).

Under the circumstances, following the said judgment, the writ petition is also dismissed for the same and similar reasons. No costs.

N.V.RAMANA, J

Dated: 10th September, 2004.

Svv/Ak

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Special Grade Secretary, Agricultural Market Committee,

Visakhapatnam.

2.The Special Grade Secretary, Agricultural Market Committee,

Vijayawada, Krishna District.

3.The Special Grade Secretary, Agricultural Market Committee,

Tanguturu, Prakasam District.

4.The Special Grade Secretary, Agricultural Market Committee,

Martur, Santhamangalur, Prakasam District.

5.The Special Grade Secretary, Agricultural Market Committee,

Nellore, Nellore District.

6.The Special Grade Secretary, Agricultural Market Committee,

Naidupeta, Nellore District.

7.The Special Grade Secretary, Agricultural Market Committee,

Medarmetla, Addanki, Prakasam District.

8.The Special Grade Secretary, Agricultural Market Committee,

Ravulapalem, Kothapeta, East Godavari District.

9.The Special Grade Secretary, Agricultural Market Committee,

Eluru, West Godavari District.

10.The Special Grade Secretary, Agricultural Market Committee,

Kavali, Nellore District.

11.The Special Grade Secretary, Agricultural Market Committee, Ambajipeta, East Godavari District.

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20.The Special Grade Secretary, Agricultural Market Committee, Tuni, East Godavari District.

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Kothapeta, East Godavari District.

43.The Special Grade Secretary, Agricultural Market Committee,

Amalapuram, East Godavari District.

44.The Secretary, Food and Agriculture Department, Government

of Andhra Pradesh, Secretariat, Hyderabad.

45.The Secretary, Industries Department, Government of India,

Central Secretariat, New Delhi.

46.Two CCs to the Government Pleader for Food and Agriculture,

High Court Buildings, Hyderabad (O.U.T).

47.Two CD copies.

(For Sl.Nos.1 to 46, along with copy of order in C.A.No.5321 of 1997 and batch, dated 30-1-2004).